

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SETH ISAAC MORGAN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. C15-0354-RSM-MAT

REPORT AND RECOMMENDATION

Petitioner Seth Morgan has presented to this Court for review a petition for writ of habeas corpus challenging the legality of his current detention. Petitioner is a pre-trial detainee who is currently confined at the Federal Detention Center in SeaTac, Washington where he is awaiting trial in this district under cause number CR14-100-MJP. Petitioner asserts in his petition that illegally obtained evidence was used to solicit false testimony in proceedings before the federal grand jury which indicted him. Petitioner asks that the indictment pending against him be dismissed.

Because petitioner's criminal proceedings remain pending at this time, any challenge to the validity of the indictment returned therein should be brought in the criminal case and not in this collateral civil proceeding. This Court therefore recommends that petitioner's federal habeas

1 petition, and this action, be dismissed with prejudice. A proposed order accompanies this Report
2 and Recommendation.

3 Objections to this Report and Recommendation, if any, should be filed with the Clerk and
4 served upon all parties to this suit within **twenty-one (21) days** of the date on which this Report
5 and Recommendation is signed. Failure to file objections within the specified time may affect
6 your right to appeal. Objections should be noted for consideration on the District Judge's
7 motions calendar for the third Friday after they are filed. Responses to objections may be filed
8 within **fourteen (14) days** after service of objections. If no timely objections are filed, the
9 matter will be ready for consideration by the District Judge on **April 17, 2015**.

10 DATED this 25th day of March, 2015.

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13 Mary Alice Theiler
14 United States Magistrate Judge
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